

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. 8:23-cv-01130-CJC-KES Date August 1, 2023

Title Balboa Capital Corporation v. Michael Aiello Construction Inc. et al

Present: The Honorable CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Rolls Royce Paschal

Deputy Clerk

None Present

Court Reporter

Attorneys Present for Plaintiffs:

None Present

Attorneys Present for Defendants:

None Present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION

It is a plaintiff's responsibility to prosecute its case diligently. That includes, where applicable, promptly (a) filing stipulations extending a defendant's time to respond to the complaint, (b) pursuing default and remedies under Federal Rule of Civil Procedure 55 when a defendant fails to timely respond to the complaint, or (c) dismissing a case the plaintiff has chosen not to pursue for any reason.

Here, Plaintiff has filed a proof of service, yet the deadline for all defendant(s) to respond to the Complaint has passed and Plaintiff has taken no action. Accordingly, the Court, on its own motion, hereby **ORDERS** Plaintiff to show cause in writing, no later than **August 3, 2023** why this action should not be dismissed for lack of prosecution. As an alternative to a written response by Plaintiff, the Court will consider as an appropriate response to this OSC the filing of one of the following on or before the above date:

1. Plaintiff's Request for Entry of Default as to *all Defendants* or Defendants' Answers;
2. A stipulation extending *all Defendants'* time to respond to the Complaint that complies with Local Rule 8.3, or
3. A Notice of Voluntary Dismissal (Fed. R. Civ. P. 41) as to *all Defendants*.

No oral argument will be heard on this matter unless ordered by the Court. The Order will stand submitted upon the filing of a timely and appropriate response. Failure to file a timely and appropriate response to this Order may result in dismissal.

Initials of Deputy Clerk

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